

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

CAROLYN DOUGLAS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:08CV63 TIA
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court, sua sponte, upon review of the file. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

This cause is on appeal from an adverse ruling by the Social Security Administration. Plaintiff is proceeding in this cause with the assistance of retained counsel. Plaintiff's Complaint was filed on May 1, 2008. (Docket No. 1). On May 5, 2008, the Court entered a Case Management Order setting out the briefing schedule to be followed in this cause in accordance with Rule 9.02 of the Local Rules of this Court.¹ (Docket No. 2).

Defendant Commissioner of Social Security timely filed his Answer to Plaintiff's

¹Local Rule 9.02 provides:

[T]he Commissioner shall file any motion to dismiss, motion to remand, and/or answer within sixty (60) days of service of the complaint. ... The plaintiff shall, unless otherwise ordered by the court, serve and file a brief in support of the complaint within thirty (30) days after the Commissioner's service of an answer and the administrative transcript. The Commissioner shall serve and file a brief in support of the answer within thirty (30) days after service of the plaintiff's brief. Plaintiff shall have ten (10) days after service of the Commissioner's brief to file a reply brief.

Complaint on July 11, 2008. (Docket No. 5). As such, pursuant to Local Rule 9.02, Plaintiff's brief in support of her Complaint was to be filed not later than August 11, 2008. On August 28, 2008, Plaintiff was therefore ordered to "file her brief in support of her Complaint no later than October 1, 2008. Failure to timely respond to this Order may result in the dismissal of this cause for failure to prosecute and failure to comply with Orders of the Court." (Docket No. 8). A review of the Court file shows that, to date, Plaintiff has failed to file her brief in support of her Complaint or in any way respond to this Court's Order of August 28, 2008. In addition, Plaintiff has not filed a request for additional time or in any other way complied with the Local Rules or previous Orders of this Court. Accordingly,

IT IS HEREBY ORDERED that this cause is dismissed without prejudice for failure to prosecute; for failure to comply with this Court's Order of August 28, 2008; for failure to comply with this Court's Case Management Order of May 5, 2008; and for failure to comply with Local Rule 9.02 of this Court.

/s/Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of October, 2008.